Therefore, each Ministry/Department is competent to accord sanction for prosecution under the Prevention of Corruption Act, 1988 and under section 197 of the Cr.P.C.

In view of the above, the relevant information in respect of Group B, C and D civilian officers and non-IAS officers, is not centrally maintained/monitored in the Department of Personnel and Training as there are different Ministries/Departments/Bodies/State Governments which are concerned in the matter.

As regards according sanction for prosecution of IAS officers u/s 197 (1) of the Cr. P.C., the Central Government/State Government are both competent to grant such sanction if the IAS officer at the time of committing the alleged criminal misconduct was functioning in connection with the affairs of the Central Government, the Government of India is competent to accord sanction in the matter. If the IAS officer at the time of committing the alleged criminal misconduct if functioning in connection with the affairs of the State Government, the respective State Government is competent to grant such sanctions. Regarding grant of sanction for prosecution against IAS officers and CSS officers of Grade I and above under the Prevention of Corruption Act, 1988, the Department of Personnel and Training is the competent authority to take a view in the matter.

However, it is not correct to say that the Government is following different time schedules for grant of sanction for prosecution for different category of officers. Although as per law, there is no time limit prescribed for decision on request for sanction for prosecution, the Government has always stressed that the competent authority should decide on this matter expeditiously. Time frame for this purpose depends upon the nature of the case and no fixed time frame can be laid down for this purpose. However, all Ministries/Departments of the Government of India have been recently requested by this Department to dispose of cases pending grant of sanction for prosecution within a time frame of three months. Still, there may not be a comparison between individual cases since each case is unique. The act of granting sanction for prosecution is not an idle formality but a sacrosanct duty enjoined upon the competent authority and careful analysis is required before a decision is taken in the matter. Unless charge-sheet has been filed against the accused officer in the Court of Law, after obtaining sanction for prosecution from the compentet authority, if required, investigation is not complete. As such, it will not be proper to disclose the details as it may hamper further investigations. However, this Ministry received proposals for sanction against 16 (sixteen) IAS officers from the CBI during 1996-97 and till date and has accorded sanctions against 5(five) IAS officers, in case of 3 (three) IAS officers, sanction was refused as no prima-facie case was made out against them and cases against 8 (eight) IAS officers are at different stages of process.

During the relevant period, sanctions were, also granted against 7 (seven) IAS officers on receipt of such proposals from the State Governments, whereas in two cases the same was rejected as no prima-facie cases were made out against them. 4 (four) cases are under process. During the relevant period, sanction against 1(one) CSSS officer of Grade I only was sought and accorded.

Allowing people to see secret files

259. SHRI BANGARHU LAXMAN: Will the PRIME MINISTER be pleased to state:

(a) whether there is a demand to allow people/their elected representatives to see the secret files of Government, other than those relating to the defence matters, as a measure to curb crime and corruption in the country;

(b) whether in some countries general public/their representatives have a right to see secret files; and

(c) if so, what are the views of Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) A paper, including a file, marked 'Secret' is intended for the perusal only of the officer to whom it is addressed and of a very limited number of persons whose duty it is to deal with the subject matter contained in that paper. There is no proposal to allow the people, or their elected representatives, to have any access to Government files classified as 'Secret'. The practice followed in this regard in other countries is not monitored.

Adhoc Assistants in CSS

260. SHRI PARMESHWAR KUMAR AGARWALA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that there is a large number of ad hoc assistants of Central Secretariat Service (CSS) in various Ministries/Departments;

(b) if so, their Ministry/Department-wise and year-wise number during the last five years; and

(c) what is the rationale of keeping them ad hoc and what is the plan to regularies them?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) and (b) The Assitants' Grade of the Central Secretariat Service is decentralised amongst 33 cadres, each of which consist of one or more Ministries/Departments. Since the appointments/promotions to the Grade, whether regular or ad hoc are made cadre-wise, the details of such appointments in the various Ministries/ Departments are not centrally maintained. However, most of the vacancies are filled up on regular basis, failing which on ad hoc basis.

(c) Vacancies in both direct recruitment quota and seniority quota take time to get filled up on regular basis, due to various procedural aspects. Therefore, to meet the situation, ad hoc officiation has to be resorted to. Such ad hoc appointments are discontinued, as and when vacancies are filled up on regular basis as per the Government's instructions on the subject.

Non-Implementation of Central Development Schemes in Jharkhand

261. SHRI GYAN RANJAN: Will the PRIME MINISTER be pleased to state:

(a) Whether it is a fact that Central Developmental Schemes are not being implemented properly in areas of Jharkhand (Bihar);

(b) if so, the reasons therefor;

(c) what is the number of persons from Jharkhand, who have migrated to other States, in search of employment during the last five years, year-wise; and

(d) whether Government would institute an enquiry to find out the persons responsible for not implementing the developmental schemes properly and place the enquiry report alongwith action taken thereon on the table of the House?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRIMATI RATNAMALA DEHARESHWAR SAVANOOR): (a) As per the records available in the Department of Programme Implementation, 16 projects costing Rs. 20 crores and above being implemented in the area of Jharkhand are having time overrun and 11 projects are having cost overrun. These projects do not include Multi-State projects passing through the area.